



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of J. Burnes et al.

Date: September 2, 2005

Serial No. 10/677,771

Examiner: M. Safavi

Filed: 10/1/03

Art Group: 3673

For: Faceted end cap for leaching chamber

Atty Docket No. 2312

Commissioner for Patents:

AMENDMENT

Please amend the claims as shown in the enclosed status of claims.

Applicant encloses payment of \$200 small entity fee for two additional independent claims. Please charge any deficiency in the foregoing, or any other fee, to deposit account No. 14-0711 in the name of undersigned attorney with a reference number of 2312.

REMARKS

This is in response to the office action of August 28, 2005.

Applicants have re-written the "objected-to" claims in independent form. (For simplicity, applicants have added the matter of objected-to claim 44 to claim 35, to produce the same effect as writing claim 44 in independent form.)

Applicants have changed the dependency of claims 36-39 from rejected claim 35 to re-written claim 40. The dependent claims should be allowed at least because of novelty in the parent claim 40 and as preferred embodiments.

Allowance of the claims as amended herewith is requested.

To expedite prosecution here, applicants are not seeking to overcome the rejection of claim 35 as previously presented; the rejection being based on 35 USC 103 in reliance on Carswell in view of DeTuillo or Maestro. However, for the record: Applicant contests the validity of the rejection. Carswell element 32 is clearly said to be simple T-connector. It is not an endcap and no pipe-connection use is suggested. Rather, there is a teaching away, to running a pipe vertically from the chamber. Carswell does not show even one buttress having a surface portion for receiving a pipe. (A "Carswell edge" is not a surface, within the meaning of the applicant's specification.) So adding a feature from DeTuillo or Maestro will not produce the invention. It is using hindsight to add a feature from DeTuillo or Maestro, as no reason is cited to modify Carswell, and there is no



1FW \$

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0651-0012
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fee is subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

Complete if Known

Application Number	10/697,771
Filing Date	10/1/03
First Named Inventor	BURNES
Examiner Name	SAFAVI
Art Unit	3673
Attorney Docket No.	2312

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 200

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Note ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 140711 Deposit Account Name: CHARLES G. NESSLER

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims: _____ Extra Claims: _____ Fee (\$): _____ Fee Paid (\$): _____

Indep. Claims: _____ Extra Claims: _____ Fee (\$): _____ Fee Paid (\$): _____

Multiple Dependent Claims: _____ Fee (\$): _____ Fee Paid (\$): _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets: _____ Extra Sheets: _____ Number of each additional 50 or fraction thereof: _____ Fee (\$): _____ Fee Paid (\$): _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY	Registration No. 27825	Telephone 860 526 9149
Signature	(Attorney/Agent)	Date 9/2/05
Name (Print Type)	CHARLES G. NESSLER	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

motivation to be found in the art for such.


Respectfully submitted,
JAMES BURNES ET AL.

By 

Their Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149 Fax (860) 526 9149 email: cn@cnessler.com

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to Commissioner of Patents, Box
1450, Alexandria VA 22313 on September 2, 2005



C. G. Nessler